

1           Q     Now didn't you also testify that after you  
2 got Mr. Mims' memo, you took a while before you decided  
3 that you would become part of an applicant? You  
4 weren't originally interested. You tried to find other  
5 people?

6           A     That's correct.

7           Q     Okay. And isn't it a fact that until Mr.  
8 Mims called you, you hadn't had any specific plans to  
9 apply for a radio license anywhere?

10          A     Specific plans, no.

11          Q     Okay. Now, did he suggest Mr. Winston to you  
12 as counsel?

13          A     Yes.

14          Q     And did he suggest Mr. Gurley to you as an  
15 engineer?

16          A     Among others, for the attorneys and the  
17 engineers, yes.

18          Q     And did -- and who suggested the name of the  
19 site acquisition firm that you used?

20          A     Telstar.

21          Q     Telsa. Who suggested them?

22          A     I let Mr. Gurley handle all the technical  
23 components of the application.

24          Q     In fact, when you retained Mr. Gurley, Telsa  
25 had already arranged for a site to be available to it

1 and its assigns, isn't that right?

2 A Could you repeat that?

3 Q At the time you retained Mr. Gurley, Telsa  
4 site acquisition firm located here in Washington, had  
5 already found a site and it was available to the Telsa  
6 so they could assign it to others.

7 Isn't that right?

8 A I don't know.

9 Q Do you know how Mr. Boyd is?

10 A The owner of the property.

11 Q Have you ever spoken to Mr. Boyd?

12 A No.

13 Q And do you have an understanding as to how  
14 Mr. Boyd came to be -- Mr. Boyd's site came to be that  
15 proposed in your application?

16 A No, I left that to Mr. Gurley. That's part  
17 of the technical end.

18 Q Do you know who it was that spoke with Mr.  
19 Boyd to pin down the site?

20 A I left that to Mr. Gurley.

21 Q Do you know whether Mr. Gurley spoke with him  
22 or do you know whether he did?

23 A I don't recall, but I'm pretty sure he did in  
24 order to get that information.

25 Q Do you know what Telsa's role was in your

1 application?

2 A No, not exactly.

3 Q Did you pay them?

4 A No.

5 Q First, I'd like to ask your counsel to show  
6 you, or perhaps to save time if your counsel wouldn't  
7 mind, I can show you what I'll represent as a site  
8 assignment letter from Hensen Boyd at Telsa.

9 Have you seen that document before? It's  
10 dated December 6th, 1989, a one-page document.

11 A It looks familiar, yes.

12 Q When did you first see it?

13 A I'm not quite sure of the exact date. I'm  
14 not sure.

15 Q Did you see it in 1989?

16 A Yes.

17 Q Before the application was filed?

18 A Yes.

19 Q Now, was there accompanying this an  
20 assignment letter from Telsa to Northeast Florida?

21 A I don't recall.

22 Q Did you examine your files and make sure that  
23 all site related documents were produced?

24 A Yeah.

25 MR. WINSTON: If you're looking for

1 representation, I have no other documents that I have  
2 been able to locate.

3 MR. HONIG: Okay.

4 BY MR. HONIG:

5 Q Now, Ms. Holt, your application contemplates  
6 three sources of financing for your application, isn't  
7 that right?

8 A I have to look at the application.

9 Q There's a page in your application -- to  
10 speed things up, I'm going to ask that it be marked for  
11 identification as Peaches number 13. It is Page Six.

12 I'll provide you, the court reporter, and  
13 counsel with copies.

14 (The document referred to  
15 above was marked Peaches  
16 Exhibit No. 13 for  
17 identification.)

18 BY MR. HONIG:

19 Q You note yourself down here for \$1,000, isn't  
20 that right?

21 A Yes.

22 Q Have you paid that?

23 A No.

24 Q How much of it had you paid?

25 A About 8.

1 Q Eight hundred?

2 A Eight hundred fifty dollars, something like  
3 that.

4 Q The first time you made a contribution was in  
5 January 1990, isn't that right?

6 A No.

7 Q When was the first time you made a  
8 contribution to the -- cash contribution?

9 A During the application submission process.

10 Q How much did you put in at that time?

11 A Two hundred and fifty dollars I had on hand  
12 as well as the costs that it took to facsimile  
13 documents to Washington and overnight express and the  
14 execution of the whole application process.

15 Q Do you recall being deposed in this case on  
16 June 25th, 1991?

17 A Yes.

18 Q Do you recall testifying -- I can show it to  
19 you, if you'd like -- that you paid the \$250.00 for  
20 your stock in January of 1990.

21 A I opened the account for the stock, for the  
22 corporation in January 1990. I had the money on hand.  
23 And I had used other monies to take care of the  
24 business of Northeast Florida Broadcasting Corporation.

25 Q Do you recall responding to this question at

1 your deposition?

2 Question: So your stock had not been paid on  
3 December 13th, which was the day you signed the stock  
4 subscription agreement?

5 Answer: Is that relevant to question?

6 Question: I'm just asking. Is that correct?

7 Answer: Yeah, that's correct.

8 MR. WINSTON: What page is that?

9 MR. HONIG: It's 94, lines -- what I just  
10 read was lines 5 through 10.

11 THE WITNESS: I believe that had to do with  
12 the opening of the account. The relationship between  
13 opening the account and the paying for the stock  
14 certificate and that's why I said, gave that answer.

15 BY MR. HONIG:

16 Q But, in fact, no money --

17 A I had the money, but we just did not have the  
18 account. The \$250.00 was on hand and was held until  
19 January and when I was able to get a Federal ID number  
20 to open up the commercial or business account.

21 Q There's also reference here to \$203,000 to be  
22 put in by your limited partner, isn't that right --  
23 your non-voting stockholder?

24 A I need some more clarification on that  
25 question.

1           Q     Look at Peaches Exhibit 13. And you'll see a  
2 reference to a figure \$203,000 for --

3           A     Yes, I see that.

4           Q     Now, what is that for?

5           A     Two hundred thousand dollars is for the loan  
6 from Dorothy Wade for the execution of the application  
7 and \$3,000 was capital contribution to the corporation.  
8 Seven hundred and fifty of that paid for the stock.

9           Q     Who was responsible for repaying that  
10 \$203,000 loan?

11          A     I'd have to refer to the agreement.

12          Q     Do you remember whose responsible for --

13          A     I'd have to refer to the document that's in  
14 the application package.

15          Q     Okay. Now do you recall, at your deposition,  
16 testifying that in fact if the applicant did not  
17 prevail in this case that money was lost?

18          A     I don't recall, but I do recall having an  
19 application in front of me when I gave an answer.

20          Q     Well, the application is here. I don't know  
21 what document you're speaking of. I'm asking if you  
22 have a present understanding of whether you have to pay  
23 the money back?

24          A     If I could just look at my application and I  
25 could read to you exactly what the agreement says.

1 JUDGE LUTON: Well, he's not asking you to  
2 read something. He's asking you for what your present  
3 understanding about a matter is, if you have one.

4 THE WITNESS: It's a non-secured loan. I  
5 don't have to pay anything back. That's the best of my  
6 knowledge, but I'd have to look at the document to know  
7 for sure.

8 BY MR. HONIG:

9 Q Now, there's also a reference in Peaches  
10 Exhibit 13 to \$500,000 to come from First Georgia State  
11 Bank.

12 A Correct.

13 Q Now, what is that for?

14 A Construction of the radio station.

15 Q Does it include anything else besides  
16 construction of the station?

17 A The first three months start-up.

18 Q Did you have any role in obtaining that  
19 commitment from the bank?

20 A I submitted my -- yes.

21 Q And what was your role?

22 A I submitted my personal financial statement.

23 Q Who did you submit it to?

24 A To Dorothy Wade and she then submitted the  
25 information to the bank.

1           Q     The letter that we're speaking of is dated  
2     December 12, 1989. The copy we have been provided with  
3     is illegible, but I may be able to examine you it  
4     anyway, because I don't want to get into the content.  
5     I think that would be prohibited.

6           MR. WINSTON: Your Honor, as long as we're  
7     not getting into the content, but we had this problem  
8     at the deposition. I made new copies for everybody if  
9     they'd like to have them.

10          MR. HONIG: Actually, I may have miss-spoke.  
11     There's one line I have to get into, but I think it  
12     will be permissible. If it's not, then I'll find out.

13                 Do you have copies that could be marked?  
14     It's Peaches Exhibit 14?

15          JUDGE LUTON: It will be 14.

16                         (The document referred to  
17                         above was marked Peaches  
18                         Exhibit No. 14 for  
19                         identification.)

20          JUDGE LUTON: These are all being referred to  
21     as various pieces of exhibits. The proper reference  
22     should be Peaches 13, whatever they are, for  
23     identification.

24          MR. HONIG: That's right.

25          JUDGE LUTON: So that the record will reflect

1       that they've either been offered or received.

2               MR. HONIG: That's right. It's just being  
3       offered for identification at this time.

4               BY MR. HONIG:

5               Q     So your testimony is that Ms. Wade basically  
6       obtained this letter, isn't that correct?

7               A     The letter was basically at -- this is  
8       Dorothy Wade's bank and the loan would be based on her  
9       assets.

10              Q     You've never spoken with Mr. Bennett, isn't  
11      that right?

12              A     That's correct.

13              Q     There is also an estimate at the top of  
14      Peaches number 13, a \$414,600. And that estimate was  
15      based on a budget, wasn't it?

16              A     Yes.

17              Q     And that budget was prepared by Mr. Winston's  
18      office, was it not?

19              A     I had some input in that, yeah.

20              Q     Didn't Mr. Winston's office send you the  
21      budget in completed form?

22              A     I don't recall it was in completed form.

23              Q     Would you describe any particular input you  
24      had other than reviewing the budget and approving it?

25              A     The type of staff.

1 Q The type of staff?

2 A Yes.

3 Q And specific instructions did you give Mr.  
4 Winston's office on that question?

5 A I don't recall exactly what specific  
6 instructions I gave him.

7 Q We've been provided with that budget. Again,  
8 counsel, this -- anyone who's a general manager of a  
9 radio station?

10 MR. WINSTON: Objection, Your Honor.  
11 Irrelevance.

12 JUDGE LUTON: Assuming that it's introductory  
13 to something.

14 MR. HONIG: It is. I'm not going to ask  
15 questions about the budget.

16 THE WITNESS: Yes.

17 BY MR. HONIG:

18 Q Before the application was filed, first let  
19 me ask you who is that person?

20 A I don't remember his name, I know he was from  
21 New York.

22 Q Do you -- when was the last time you visited  
23 a radio station?

24 A In 1989.

25 Q Before --

1           A     I'm sorry, 1988.

2           Q     Okay. And your testimony was that you never  
3 worked in a radio station?

4           A     Correct.

5           Q     Have you ever owned a commercial  
6 establishment or business of any type?

7           A     Rental property.

8           Q     Other than rental property, you've not owned  
9 a commercial business?

10          A     I operated a small business in New York,  
11 yeah.

12          Q     And when was that?

13          A     In 1981 through 1984.

14          Q     What business was that?

15          A     Retail merchandising, wholesale distribution.

16          Q     What was the name of it?

17          A     H & L Hosiery.

18          Q     Okay. You were the sole owner?

19                JUDGE LUTON: This is all foundation?

20                MR. HONIG: This is all foundation, that's  
21 right.

22                JUDGE LUTON: Get to the matter.

23                BY MR. HONIG:

24          Q     Were you the sole owner?

25          A     Yeah.

1 Q And that was your full-time occupation?

2 A Part of the time, yeah.

3 Q Your full-time occupation part of the time?

4 A Yes.

5 Q Okay. Let me shift gears again. I'm  
6 finishing up, Your Honor.

7 JUDGE LUTON: Oh, gosh. (Laughter)

8 MR. HONIG: I didn't mean for you to laugh.

9 JUDGE LUTON: That was a foundation for what?

10 MR. HONIG: It was a foundation for something  
11 that had turned out I didn't need to ask. I didn't  
12 mean to waste time. I didn't know until I got the  
13 answer.

14 JUDGE LUTON: All right.

15 BY MR. HONIG:

16 Q Ms. Holt, on March 31st, you signed an  
17 amendment to your application reflecting your current  
18 address on College Street. Do you remember that  
19 amendment?

20 A I remember an amendment, yes.

21 Q I need to ask you a couple of questions about  
22 it. Perhaps your counsel could put it before you. If  
23 it would be quicker, I don't mind doing it myself.

24 MR. WINSTON: March 31st amendment?

25 MR. HONIG: It's actually dated May 7th.

1           It's signed March 31st.

2                       BY MR. HONIG:

3           Q     Is that your signature?

4           A     Yes.

5           Q     When you signed this, did you have an  
6 understanding of how soon an event that has to be  
7 reported must be reported to the Commission?

8                       MR. WINSTON:  Objection, Your Honor.

9                       MR. HONIG:  I'm asking whether she had an  
10 understanding.

11                      MR. WINSTON:  Objection, Your Honor.  
12 Irrelevance.

13                      JUDGE LUTON:  Overruled.

14                      THE WITNESS:  No.

15                      BY MR. HONIG:

16           Q     Did you read this amendment before -- did you  
17 read the petition for leave to amend before it was  
18 filed?

19           A     Before it was filed?

20           Q     Before it was filed?

21           A     To the best of my knowledge, I did.

22           Q     Now you'll see a reference there to Rule  
23 1.65.  Now, that's a fairly famous rule.  Have you ever  
24 heard reference to that rule before?

25           A     No.

1           Q     Have you ever heard reference to the 30 day  
2 rule?

3           MR. WINSTON:  Objection, Your Honor.

4           JUDGE LUTON:  I'm trying to hold back here,  
5 hoping that you'll get on with wherever you're going.

6           MR. HONIG:  I'm not trying to be tedious,  
7 Your Honor.  If the witness doesn't know, she doesn't  
8 know and I'll move to something else.

9           BY MR. HONIG:

10          Q     Let's turn back to your direct case exhibits.  
11 Exhibit 2 states that -- I'm looking at Paragraph 2,  
12 exhibit 2.  Should Northeast Florida be awarded the  
13 construction permit -- this is the last sentence --  
14 upon the grant of program test authority, I will resign  
15 from then any current employment in order to assume my  
16 duties as the general manager of the facility.

17                     What is program test authority?

18          A     I believe that is the time that we send,  
19 after the station is constructed, the tower is  
20 constructed and all, we send -- the FCC tests to see if  
21 it's on the proper channel.

22          Q     Then is it correct to say that you were not  
23 personally going to supervise the construction of the  
24 station?  You would work there after it gets built, is  
25 that correct?

1                   MR. WINSTON:  Objection, Your Honor.  Assumed  
2                   fact.

3                   JUDGE LUTON:  The question -- what it seeks  
4                   is certainly okay.

5                   MR. HONIG:  I may need to break it into two  
6                   questions.

7                   BY MR. HONIG:

8                   Q     Will you personally supervise construction of  
9                   the station?

10                  A     I will supervise the consultants that I hire  
11                  to construct the station.

12                  Q     Have you identified those persons?

13                  A     I could not identify that.  That would have  
14                  to be considered at another time.

15                  Q     Let me ask you to turn to the next page,  
16                  where are listed in Paragraph Four your civic  
17                  activities.

18                         What I'd like to ask you to do and I think I  
19                  can do this in one question, is go through this list  
20                  and identify any of those activities in which you were  
21                  not a representative of the Urban League.

22                  MR. WINSTON:  Do you have the exhibit in  
23                  front of you?

24                  THE WITNESS:  Yes.

25

1 BY MR. HONIG:

2 Q Just go down the list and if there are any of  
3 them where you weren't representing the Urban League of  
4 Jacksonville, could you identify those?

5 A United Negro College Fund, Mayor's  
6 Educational Council, We Care Festival, Art Assembly,  
7 Asland House, Health Center, Duval County School Board,  
8 Mayor's Resource Development Task Force.

9 MR. HONIG: Your Honor, I thought I could go  
10 this in one question and I was mistaken.

11 JUDGE LUTON: Can she finish going down the  
12 list?

13 MR. HONIG: I'm sorry.

14 BY MR. HONIG:

15 Q Were you finished?

16 A That's it.

17 Q Do you remember at your deposition where you  
18 were asked whether the items on this list were job  
19 related?

20 A No.

21 Q Okay. You were, on Pages 124 through 126,  
22 you were asked a series of questions to which you gave  
23 somewhat different answers. I'd like to ask you to  
24 review those questions and answers and Your Honor, in  
25 the interest of time, I think what I'd like to do is

1 just reserve and offer those pages as an exhibit.

2 A You didn't give me the full document. I  
3 think you need to give me 123. Now, what was your  
4 question again?

5 Q My question was, does that testimony more  
6 accurately state -- your deposition testimony -- which  
7 organizations you were representing the Urban League?

8 A No.

9 Q Well, are you recanting that testimony?

10 A These are two separate things. You're asking  
11 me two separate -- something separate from what was  
12 asked in the deposition.

13 Q Let me give you an example. The first item  
14 was UNCF of Duval County --

15 JUDGE LUTON: Mr. Honig, perhaps the best way  
16 to do this is to take her through the deposition  
17 testimony.

18 MR. HONIG: I'm going to have to.

19 BY MR. HONIG:

20 Q The first item was UNCF Duval County Telefon  
21 Campaign.

22 A And what's the question?

23 Q Was that something that you did that was not  
24 related to the Urban League and you said --

25 A Not related to the Urban League.

1           Q     Now, in your deposition, Page 124, you  
2 testified it was 90 percent job related, isn't that  
3 right?

4           A     I did, that's right.

5           Q     Now, which answer is correct?

6           A     Both of them.

7           Q     Did you have a different job at that time?

8           A     Correct.

9           Q     When did you work -- I'm sorry, that's why  
10 we're confused. What was your job before you worked  
11 for the Urban League?

12          A     I worked at Edward Water's College.

13          Q     And when were you employed there?

14          A     1986 to 1989.

15          Q     What month in 1989?

16          A     February.

17          Q     Okay. Then after February '89, you were  
18 employed at the Urban League until June 25th of this  
19 year, is that right?

20          A     Until June 28th.

21          Q     Until June 28th of this year. Now let me  
22 rephrase my question and I apologize, I wasn't trying  
23 to confuse you.

24          A     Yes, you were.

25          Q     Which of these items in exhibit 2, Page Two

1 and Three, were performed by you not as a  
2 representative of the job you had at that time, whether  
3 it be Edward Waters College or the Urban League?

4 A Where I was not working and had no  
5 affiliation with the job?

6 Q Where the activity didn't have -- had nothing  
7 to do with your job? Something you did entirely on  
8 your own.

9 A Asland House and the Health Center, Arts  
10 Assembly.

11 Q That's it. Well, I only need to ask about  
12 one of those. I think at your deposition you testified  
13 that the Arts Assembly was something that you did  
14 partly for your job, isn't that correct?

15 A Well, no, I was incorrect at that, because  
16 the Urban League has nothing to do with the Arts.  
17 That's just something that I got involved in.

18 Q You weren't representing the Urban League on  
19 the Board of Directors at the Arts Assembly?

20 A No.

21 MR. HONIG: Your Honor, I actually have no  
22 more questions for this witness, other than wanting to  
23 move the exhibits that I've introduced through her  
24 testimony, that I've had marked for identification.

25 JUDGE LUTON: You're not saying that right.

1 Which ones are they?

2 MR. HONIG: Peaches Exhibit 13, we've got --

3 JUDGE LUTON: How about 12?

4 MR. HONIG: Twelve.

5 JUDGE LUTON: Twelve, 13 and 14, those three.

6 MR. HONIG: It's just three exhibits, Peaches  
7 12, 13 and 14 and at this time I'd like to move those  
8 three into evidence.

9 JUDGE LUTON: I thought you had some  
10 deposition pages. Did you change your mind about that?

11 MR. HONIG: I'm not going to need them.

12 JUDGE LUTON: All right. Twelve, fax, fax,  
13 13, application pages having to do with money and 14,  
14 the bank letter. Is that right?

15 MR. HONIG: That's right.

16 JUDGE LUTON: Any objection?

17 MR. WINSTON: Your Honor, I believe, with  
18 respect to similar documents yesterday, I'm disinclined  
19 to admit them as to 13 and 14. I have no objection  
20 number 12. I believe 13 and 14 are irrelevant.

21 JUDGE LUTON: I can't remember my ruling  
22 yesterday.

23 MR. WINSTON: Let me be more specific, Your  
24 Honor. As there are no financial issues in this  
25 proceeding, I would object to the admission of 13 and

1 14.

2 MR. HONIG: If I may be heard; I was trying  
3 to ask questions going to the division of  
4 responsibility between the witness and the limited  
5 partner and her knowledge of the documents which she  
6 signed. I hope I didn't ask any impermissible  
7 questions.

8 JUDGE LUTON: The witness has given her  
9 testimony and that testimony can stand up very well  
10 without the documents, can it not, since you weren't  
11 interested in the documents anyhow. You were  
12 interested in the witness' testimony and that's you  
13 got.

14 MR. HONIG: I'm greedy. I'm interested in  
15 both.

16 JUDGE LUTON: Thirteen and fourteen. Well,  
17 I'm not going to receive anything for what it's worth  
18 without some more persuasive statement of the reasons  
19 why this ought to be received. I'm going to reject 13  
20 and 14 and receive 12, to which there is no objection.

21 (The document heretofore  
22 marked Peaches Exhibit No. 12  
23 for identification was  
24 received into evidence.)

25

1 (The documents heretofore  
2 marked Peaches Exhibits No. 13  
3 and 14 for identification were  
4 rejected from evidence.)

5 JUDGE LUTON: Who's cross examining next?

6 MR. HALAGAO: I have a couple of questions,  
7 Your Honor.

8 CROSS EXAMINATION

9 BY MR. HALAGAO:

10 Q Ms. Holt, I am Avelino Halagao with JEM  
11 Productions Limited Partnership. Ms. Holt, you decided  
12 that this --

13 A I'm sorry, I can't hear you.

14 Q You had the corporation ask to apply for this  
15 application, is that correct?

16 A I don't understand.

17 Q You have a corporation, right?

18 A Yes.

19 Q How do you intend to management the  
20 registration when you get the construction permit?

21 A How do I plan to monitor the what?

22 Q In your application, you have the  
23 corporation. How is the management of the corporation  
24 right now? It's run by --

25 A Me.

1 Q By you?

2 A I will run the --

3 Q Do you have a Board of Directors?

4 A I hold all offices at this time.

5 Q Do you have a Board of Directors?

6 A I hold all offices at this time.

7 Q Well, I'm asking you a simple question.

8 A Well, I guess you could say I am the Board of  
9 Directors, yes.

10 Q So you are the Board of Directors?

11 A Yes.

12 Q You testified that Mr. Mims recommended  
13 Dorothy Wade as your investor, is that correct?

14 A Among another, yes.

15 Q And you also testified that there are other  
16 investors that were recommended?

17 A One other person, I believe.

18 Q Whom did you call first? Did you call Ms.  
19 Wade or -- who is the first person that you called?

20 A Dorothy Wade.

21 Q And did you talk to the other investors?

22 A No.

23 Q Why?

24 A I didn't see any need to.

25 Q Are you telling the court that you did not,

1 in a project like this, you did not have at least be  
2 cautious and talk to other investors aside from one  
3 person?

4 A Correct.

5 Q What did you find in Ms. Wade that convinced  
6 you right away to be the limited partner?

7 A I felt comfortable with her. I felt that we  
8 could work very well together and that has been the  
9 case.

10 Q And, how about other financial qualifications  
11 as investors? Did you have any documents or materials  
12 that would support the fact that Ms. Wade is qualified  
13 to be your investor?

14 A Yes.

15 Q Where is your corporation registered, Ms.  
16 Holt?

17 A State of Delaware.

18 Q Do you know, for a fact, or are you aware  
19 that under Delaware law, you should have two officers  
20 at least in a corporation?

21 MR. WINSTON: Objection, Your Honor. He's  
22 making a characterization of law, which probably is not  
23 correct, to my knowledge.

24 JUDGE LUTON: It may not be. It doesn't have  
25 to be.